

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. C-02-4948 JSW (JCS)

Plaintiff(s),

v.

**NOTICE AND ORDER SETTING
FURTHER SETTLEMENT
CONFERENCE**

REAL PROPERTY AT 6557 ASCOT DRIVE,
OAKLAND, CALIFORNIA, ET AL.,

Defendant(s).

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter has been re-referred to the undersigned magistrate judge for a Further Settlement Conference.

You are hereby notified that a Further Settlement Conference is scheduled for **November 21, 2007, at 9:30 a.m.**, in Courtroom A, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102.

In addition, pursuant to the Order of Judge White, IT IS HEREBY ORDERED that the following Internal Revenue Service ("IRS") personnel *personally* attend the Further Settlement conference: (1) the IRS employee currently working on the file pertaining to Steven and Niloufer Fontaine; (2) the supervisor of the IRS employee currently assigned to the file pertaining to Steven and Niloufer Fontaine; and (3) the IRS attorney, if any, representing the interests of the IRS employees. Steven and Niloufer Fontaine are ORDERED to attend, along with any advisors or attorneys advising them in connection with IRS matters.

Lead trial counsel shall appear at the Further Settlement Conference with the parties. Any party who is not a natural person shall be represented by the person(s) with **unlimited** authority to negotiate a settlement. A person who needs to call another person not present before agreeing to any

1 settlement does not have full authority. If a party is a governmental entity, its governing body shall
2 designate one of its members or a senior executive to appear at the Settlement Conference with
3 authority to participate in the Settlement Conference and, if a tentative settlement agreement is
4 reached, to recommend the agreement to the governmental entity for its approval. An insured party
5 shall appear with a representative of the carrier with full authority to negotiate up to the limits of
6 coverage. Personal attendance of a party representative will rarely be excused by the Court, and
7 then only upon separate written application demonstrating substantial hardship served on opposing
8 counsel and lodged as early as the basis for the hardship is known.

9 The parties shall notify the undersigned's Chambers immediately at (415) 522-3691 if this
10 case settles prior to the date set for the Further Settlement Conference. **Counsel shall provide a**
11 **copy of this order to each party who will participate in the conference.** All other provisions of
12 this Court's October 25, 2005 "Notice of Settlement Conference and Settlement Conference Order"
13 remain in effect.

14 IT IS SO ORDERED.

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16 Dated: November 14, 2007

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18 JOSEPH C. SPERO
19 United States Magistrate Judge
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